

# Memorandum



**Date:** May 21, 2014

**To:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

**From:** Carlos A. Gimenez  
Mayor

Agenda Item No. 2(B)(1)

**Subject:** Report on November 2013 Cycle Applications to Amend the Comprehensive Development Master Plan

## Recommendation

It is recommended that the Board of County Commissioners (Board) take action on the applications filed in the November 2013 Cycle to amend the Comprehensive Development Master Plan (CDMP) as detailed in this memorandum.

APPLICATION NUMBER	ITEMS FOR CONSIDERATION BY THE BOARD
Application No. 2 (Small Scale Application)	Item No. 3A – Ordinance (Final Action) Item No. 3A1 – Resolution for Transmittal to Department of Economic Opportunity (if converted from a Small Scale to a Standard Application)
Application No. 1 (Standard Application)	Item No. 4A – Resolution for Transmittal to Department of Economic Opportunity Item No. 4A1 – Ordinance (First Reading)
Application No. 3 (Standard Application)	Item No. 4B – Resolution for Transmittal to Department of Economic Opportunity Item No. 4B1 – Ordinance (First Reading)
Application No. 4 (Standard Application)	Item No. 4C – Resolution for Transmittal to Department of Economic Opportunity Item No. 4C1 – Ordinance (First Reading)
Application No. 5 (Standard Application)	Item No. 4D – Resolution for Transmittal to Department of Economic Opportunity Item No. 4D1 – Ordinance (First Reading)
Application No. 6 (Standard Application)	Item No. 4E – Resolution for Transmittal to Department of Economic Opportunity Item No. 4E1 – Ordinance (First Reading)

## Small Scale Applications

### Background

The attached Ordinance (Item No. 3A; adopted on first reading May 6, 2014) provides for the Board's action on small-scale amendment Application No. 2 filed in the November 2013 Cycle of Applications requesting amendment to the CDMP. State law allows the adoption of the referenced small-scale application at the Board's CDMP public hearing currently scheduled for May 21, 2014. A CDMP amendment application is eligible, under Section 163.3187, F.S., to be processed as a small-scale amendment to the local comprehensive plan if it involves 10 or fewer acres and the maximum total acreage in a calendar year for small-scale amendments does not exceed 120 acres. Since the County has not exceeded the acreage limitations for small-scale amendments to the CDMP for calendar year

2014, the Board has the ability to approve the proposed small-scale amendment Application No. 2 totaling 2.643 gross acres, without prior review by the State Land Planning Agency.

One small-scale application, Application No. 2, was filed in the November 2013 Cycle to amend the CDMP. A description of the small-scale application and the recommendations of the Department of Regulatory and Economic Resources (RER) - Planning Division, Community Councils, and the Local Planning Agency are provided in Attachment A.

At the May 21, 2014 public hearing, the Board will take final action on the attached ordinance providing for final disposition of the November 2013 Cycle small-scale application. Such action may be to adopt, adopt with change or deny the referenced small-scale amendment application. If the Board does not adopt Application No. 2 as a small-scale amendment, the Board may elect, by separate resolution, to transmit the proposed small-scale amendment to the State Land Planning Agency and other state and regional agencies for review and comments, and then take final action in October 2014 after State review. Denial or failure to adopt a small scale amendment and failure to transmit a CDMP amendment application to the reviewing agencies for review, effectively denies approval of the application for the amendment cycle.

#### Scope

Application No. 2 is located within District 9 (Commissioner Moss).

#### Fiscal Impact

There is no direct fiscal impact associated with Application No. 2. However, the development allowed by CDMP amendment applications may have varying impacts to County services. These impacts associated with Application No. 2 are discussed in the document titled, "Initial Recommendations, November 2013 Applications to Amend the Comprehensive Development Master Plan" report, dated March 10, 2014.

#### Track Record/Monitor

Amendments to the CDMP do not involve contracts so a Track Record/Monitor is not applicable.

### **Standard Applications**

#### Background

Five (5) standard applications, Application Nos. 1, 3, 4, 5 and 6, were filed in the November 2013 Cycle to amend the CDMP. A description of the standard applications and the recommendations of the RER - Planning Division, Community Councils, and the Local Planning Agency are provided in Attachment A.

At the conclusion of the public hearing for each standard application filed in the November 2013 Cycle, the Board will take action on a resolution issuing transmittal instructions for each application to the State Land Planning Agency. Each resolution (Item Nos. 4A through 4E) will also incorporate a request for the reviewing agencies to review and return their comments on the transmitted application before the Board takes final actions. After adoption of the transmittal resolution, the Board will be requested to approve, on first reading, an ordinance for each transmitted application (Item Nos. 4A1 through 4E1) that will be used at a later date to take final action on the pending applications. A subsequent public hearing, currently scheduled for October 1, 2014, will be held to take final action on the standard applications that are transmitted to the reviewing agencies State Land Planning Agency.

Certain applications filed in the November 2013 Cycle may require a supermajority vote. Section 2-116.1 of the County Code currently requires that changes to a declaration of restrictive covenant that was accepted in connection with a prior application to amend the CDMP shall require a vote of two-thirds of the Board members present, but no less than seven (7) affirmative votes. For the November 2013 CDMP Cycle, Application No. 1 requests modification of an existing CDMP Declaration of Restrictions and will require an affirmative vote of two-thirds of the members present, but no less than 7 affirmative votes of the Board for adoption.

Scope

The CDMP is a broad-based countywide policy-planning document created to guide future growth and development, to ensure the adequate provision of public facilities and services for existing and future populations in Miami-Dade County, and to maintain or improve the quality of the natural and man-made environment in the County. While the adopted text of the CDMP generally applies countywide, some text amendment applications and individual, site-specific Land Use Plan map amendment applications may have localized impact on one or more Commission Districts. Application No. 1, a modification of an existing Declaration of Restrictions, and Application No. 4, a Land Use Plan map Amendment, are located within District 10 (Commissioner Souto). Application No. 3, a Land Use Plan map and CDMP text amendment, is located within District 1 (Commissioner Jordan). Application Nos. 5 and 6, CDMP text amendments, generally apply countywide.

Fiscal Impact

There is no direct fiscal impact associated with Application Nos. 1, 3, 4, 5 and 6. However, the development allowed by CDMP amendment applications may have varying impacts to County services. These impacts associated with each application are discussed in the "Initial Recommendations November 2013 Applications to Amend the Comprehensive Development Master Plan" report, dated March 10, 2014.

Track Record/Monitor

Amendments to the CDMP do not involve contracts so a Track Record/Monitor is not applicable.

  
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Jack Osterholt  
Deputy Mayor

**Summary of Recommendations**  
**November 2014 Applications to Amend the Comprehensive Development Master Plan for Miami-Dade County, Florida**  
**March 27, 2014**

Application Number/Type	Location/Acreage/Requested Amendment	BCC District/Commissioner	Department's Initial Recommendation March 2014	Community Council Recommendation, Resolution # and Date	LPA Recommendation April 14, 2014	BCC Action/Recommendation May 21, 2014
1/ Standard	CJUF III Flagler, LLC/Juan J. Mayol, Jr., Esq. and Hugo Ariza, Esq. North side of West Flagler Street between NW 87 and 97 Avenues / (±39.51 Gross; ±36.27 Net) <u>Requested CDMP Amendment</u> Modify existing Declaration of Restrictions in the Restrictions Table in Appendix A of the CDMP Land Use Element to: 1. Allow businesses on the application site to begin daily operations at 5:00AM, rather than at 6:00AM as currently allowed. 2. Revise the "Modification, Amendment, Release" clause	10/ Souto	Transmit and Adopt	Transmit with Change (to allow only fitness facilities and food establishments on the application site to begin daily business operations at 5 am instead of 6 am) and Adopt CC 10-01-14 (March 18, 2014)	Transmit with Change as requested by the applicant and Adopt	
2/ Small-scale	TLG FL., LLC/Eric Milne, President Southwest corner of the intersection of SW 224 Street and SW 112 Avenue / (±2.643 Gross; ±1.954 Net) <u>Requested CDMP Amendment</u> Redesignate application site on the Land Use Plan (LUP) map: From: "Low Density Residential (2.5 to 6 dwelling units per gross acre)" To: "Business and Office"	9/ Moss	Adopt as a Small-Scale Amendment	No Quorum CC 15 (March 27, 2014)	Adopt as a Small-Scale Amendment	

Application Number/ Type	Location/Acreage/ Requested Amendment	BCC District/ Commissioner	Department's Initial Recommendation March 2014	Community Council Recommendation, Resolution # and Date	LPA Recommendation April 14, 2014	BCC Action/ Recommendation May 21, 2014
3/ Standard	<p>Miami-Dade County/Jack Osterholt, Deputy Mayor/Director, Department of Regulatory and Economic Resources; and Lester Sola, Director, Internal Services Department.</p> <p>West side of NW 47th Avenue between Snake Creek Canal and NW 199 Street / (±165.9 Gross; ±160.5 Net)</p> <p><u>Requested CDMP Amendment</u></p> <p>1. Redesignate application site on the LUP map:</p> <p>From: "Institutions, Utilities, and Communication"</p> <p>To: "Business and Office"</p> <p>2. Add text to the CDMP Land Use Element limiting development on the site to a maximum floor area ratio (FAR) of 0.35</p>	1/ Jordan	Transmit with Change and Adopt	<p>Transmit with Conditions, as follows:</p> <p>Miami-Dade County to retain ownership of the application site for 99 years; conduct a Charrette for the site; a cohesive large scale development should be built on the site rather than several small projects; address the severe impact to fire and rescue service; prohibit residential development on the site; ensure funding for the widening of NW 47 Avenue from NW 186 Street to north of the County line and permit no development on site until roadway improvement is complete; County to provide a 99-year lease to His House and designate adequate area on the rear of the site to accommodate His House with its planned expansion; and County should not allow the property to be annexed.</p> <p>CC 5-01-14 (March 20, 2014)</p>	Transmit with Change as recommended by staff and Adopt with Condition that the County provide a 99-year lease to "His House"	

Application Number/ Type	Location/Acreage/ Requested Amendment	BCC District/ Commissioner	Department's Initial Recommendation March 2014	Community Council Recommendation, Resolution # and Date	LPA Recommendation April 14, 2014	BCC Action/ Recommendation May 21, 2014
4/ Standard	Miami-Dade County/Jack Osterholt, Deputy Mayor/Director, Department of Regulatory and Economic Resources; and Jack Kardys, Director, Department of Parks, Recreation and Open Space. East side of SW 117 Avenue and south of SW 76 Street. / (±20.8 Gross; ±18.840 Net). <u>Requested CDMP Amendment</u> Redesignate the application site on the LUP map From: "Institutions, Utilities, and Communication" To: "Parks and Recreation"	10/ Souto	Transmit and Adopt	Transmit and adopt with conditions (Application site to be kept as passive park use; and the placement of a 6 foot high chain-link fence and a 6 foot high hedge along the property line of the site and the adjacent Police and Fire Rescue Stations.) CC 12-01-14 (March 25, 2014)	Transmit and Adopt	
5/ Standard	Miami-Dade County/Jack Osterholt, Deputy Mayor/Director Department of Regulatory and Economic Resources. <u>Requested CDMP Amendment</u> 1. Revise the Agriculture text in the Land Use Element to provide that uses in the South Dade Agricultural Area that promote ecotourism and agritourism are not restricted to locating on an existing arterial roadway; and 2. Revise the Agriculture text in the Land Use Element to allow wineries to utilize imported products for winemaking.	Countywide	Transmit and Adopt	Not Applicable	Transmit and Adopt	
6/ Standard	Miami-Dade County/Jack Osterholt, Deputy Mayor/Director Department of Regulatory and Economic Resources. <u>Requested CDMP Amendment</u> Revise the text in the Conservation, Aquifer Recharge and Drainage Element of the CDMP to correct the code reference in Policy CON-8I.	Countywide	Transmit and Adopt	Not Applicable	Transmit and Adopt	

Source: Miami-Dade County Department of Regulatory and Economic Resources (Department)

Notes:

BCC: Board of County Commissioners; LPA: Land Planning Agency